

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 340 OF 2005.
IN
CRIMINAL APPEAL NO. 133 OF 2004.

Satnamsingh Ajitsingh Virak....

Applicant.

vs.

The State of Maharashtra...

Respondent.

Office Notes, Office :
Memoranda of Coram, : Court's or Judge's orders
appearances, Courts's :
orders or directions :
and Registrar's orders. :

Shri Sandesh Deshpande for the applicant.
Shri D.P. Adsule, A.P.P. for the State.

CORAM: V.M.KANADE, J.
DATED: 2-2-2005.

P.C.:

1. Heard learned Counsel appearing on
behalf of the applicant and the learned
A.P.P. for the State.

2. Applicant is convicted by the trial
Court for having committed an offence
punishable under section 395 of the Indian
Penal Code and he is sentenced to suffer
R.I. for 7 years.

3. Learned Counsel for the applicant
submitted that test identification parade
has not been held according to rules
framed by this Court in the Criminal
Manual. He submitted that there is a
serious lacuna in the test identification
parade. He further submitted that the

applicant has already undergone more than 4 years and 5 months of sentence out of total sentence of 7 years awarded by the trial Court. He submitted that the applicant is a resident of Ulhasnagar. He further submitted that other accused have been released on bail during trial.

4. Learned Counsel for the applicant has taken me through the judgment of the trial Court. The observations made in the said judgment show that there is a serious lacuna in holding test identification parade. Applicant has already undergone 50% of the total sentence. There is no possibility of the appeal being heard in the near future. The other accused are already released on bail.

5. In these circumstances, applicant be released on bail in the sum of Rs. 10,000/- (ten thousand) with one or two sureties in the like amount. Applicant shall report to Ulhasnagar Police Station once in a week.
